

<u>Claim</u>	<u>Support</u>
<p>66. A concentrated, stabilized biocidal composition</p> <p>prepared by a process comprising adding bromine to an aqueous, alkali metal sulfamate solution formed from water, sulfamic acid and alkali metal base,</p> <p>wherein the pH of the biocidal composition is from about 12.0 to about 14.0.</p>	<p>Page 4, lines 2-4, and page 5, lines 14-21, describe a stabilized bromine composition</p> <p>Page 4, lines 14-18, and page 5, lines 1-13, describe making an aqueous solution by mixing in water, sulfamic acid and an alkali metal base, then adding bromine to this solution.</p> <p>Page 4, lines 16-17 describes a pH range of 12 to 14.</p>
<p>67. The biocidal composition according to claim 66 further comprising cooling the aqueous, alkali metal sulfamate solution.</p>	<p>Page 13, lines 13-21, describe cooling the solution.</p>
<p>68. The biocidal composition according to claim 67 wherein the sulfamate solution is cooled to a temperature from about 30°C to about 60°C.</p>	<p>Page 13, lines 13-21, describe maintaining the temperature of the solution between 30°C and 60°C.</p>
<p>69. The biocidal composition according to claim 66 wherein adding the bromine to the sulfamate solution comprises adding a sufficient amount to obtain an active bromine content of at least about 100,000 (wt/wt) and the atom ratio of nitrogen to active bromine is greater than 1.</p>	<p>Page 4, lines 18-20, describe a composition having these characteristics.</p>
<p>70. The biocidal composition according to claim 66, wherein the pH is from about 12.0 to about 13.5.</p>	<p>Page 4, lines 17-18, describe a pH range of 12.0 to 13.5.</p>

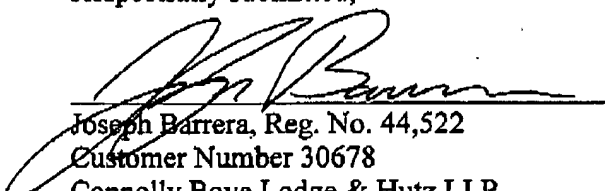
As indicated in the claim chart, claims 66-70 are supported in the Application. In addition, each corresponds to the proposed count, as do claims 14-26 of the '267 patent. The Application and the '267 patent disclose the same patentable invention(s). The invention(s) are directed to stabilized, concentrated aqueous solutions of biocidally active bromine, and methods of making such solutions. Applicants note, however, that claims 14-26 of the '267 patent are invalid under 35 U.S.C. §112, first paragraph because the caustic solution recited in claims 14 and 25 (column 9, line 21, and column 10, line 16,

respectively) cannot simultaneously contain an alkali or alkaline earth hydroxide and a halogen stabilizer in the acid form as listed, e.g., sulfamic acid. If this defect in the claims is corrected, for example, in a reissue application or a continuing application, to define an invention that is physically possible, the '267 patent will claim the same patentable invention as claimed in the subject Application. Claim 25 is also invalid under 35 U.S.C. §112, first paragraph because it is not understood how or why one skilled in the art adds alkali or alkaline earth metal hydroxide to a mixed solution with a pH of "greater than 13" (column 10, line 28-30) to "increase the pH of the solution above 13" (column 10, lines 33-34).

The subject matter of claim 66 is described and supported in parent Application Serial No. 09/088,300, filed June 1, 1998. The parent Application issued as U.S. Patent No. 6,068,861 ("861 patent"). A copy of the '861 patent is provided for the Examiner's convenience. Support for claim 66 is found, for example, in column 2, line 64, to column 3, line 3; and column 4, lines 27-28. Thus, Applicants have demonstrated continuous written description support from the parent application to the present application for at least one species within the proposed count, and, therefore are entitled to priority over the '267 patent which is entitled to a filing date no earlier than June 29, 1998.

Respectfully submitted,

Date: 1-10-03



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